



The Kentucky Board of Respiratory Care is a Government Agency that regulates respiratory care practitioners and their services. The KBRC was established in 1990 to protect the citizens of the Commonwealth of Kentucky from unsafe practitioners and practices.

WE LISTEN TO EVERY BREATH YOU TAKE

KBRC NEWSLETTER

August 2020

## **Board Information**

**Thomas Baxter, RRT**  
Chairman

**William Garrison, RRT**  
Vice Chair

**Ken McKenney, RRT**  
Board Member

**James R. McCormick, M.D.**  
Board Member

**Chaitanya Mandapakala,**  
*M.D., Pulmonologist*  
Board Member

**Darrell Lee Heckman,**  
Citizen At Large  
Board Member

**Timothy Roark, RRT**  
Board Member

**Hon. David C. Trimble**  
Board Counsel

**Tamara G. McDaniel, RRT**  
Executive Director

**Rick L. Rose**  
Administrative Assistant

**The KBRC Office can be  
reached at the numbers  
listed below.**

**Board Office:**  
**2365 Harrodsburg Rd.**  
**Suite B350**  
**Lexington, KY 40504-3386**

**Phone(859) 246-2747**

**Fax: (859) 246-2750**  
**The KBRC is now Face-**



## **Renewals to Begin October 1st**

The KBRC license renewal will begin a month earlier this year with the first day of renewals being October 1, 2020. In order to save on the cost of mailing, there will be no renewal post cards sent. We will be issuing reminders monthly by way of email and posts on the KBRC Facebook page.

**RESPIRATORY THERAPISTS  
REAL LIFE  
HEROES**

## **Respiratory Therapists Respond to Call for Help**

Since the emergency declaration due to COVID-19, respiratory therapists across the country have sprung into action, many coming out of retirement to help. Kentucky is no different with more than 50 therapists reactivating or reinstating their license in the last 4 months. As a reference for comparison, last year in the same time period we had less than 15 reinstatements and reactivations. The KBRC took action in March to obtain permission from the Cabinet for Health and Family Services to maintain a Volunteer Health Practitioner Registry. This registry would allow licensed therapists from other states to come to Kentucky to practice on a temporary basis in facilities where they are needed most. The Board took further action in April to define what specific professions may practice respiratory care in Kentucky as a Volunteer Health Practitioner. We then issued a memo that presented a tiered approach for guidance to healthcare facilities regarding the use of these volunteer practitioners.

The American Association for Respiratory Care issued a press release praising RTs as “warriors in the fight against COVID-19”. Respiratory Therapists have been featured on news segments and in the major newspapers in our state. Due to COVID-19, the world now knows what we have always known, Respiratory Therapists are heroes every day! Thank you all for your hard work and dedication to our precious citizen of the Commonwealth of Kentucky.

## Renewal Fee Statement

In August of 2019, the KBRC filed a regulatory change for a fee increase. This was a very difficult decision for the Board and one that they did not take lightly. The basis for the decision was the financial state of the Board in light of the increasing contributions to the Kentucky Retirement Systems. We consulted with your professional society, the Kentucky Society of Respiratory Care, before filing the regulation and presented them with our financial documents. The main basis of our need for additional funds is due to the agency contribution rates to the Kentucky Retirement System. As many of you have heard over the last several years, the Kentucky Retirement System is underfunded. Due to this, all agencies in the retirement system have had a tremendous increase in required contributions. Since the 2015 -2016 fiscal year, the contribution rate has increased from 38.77% to 83.43% of all employee's salaries. To be clear, the retirement contribution is not what the employees will see once they retire. The contribution to the employees retirement remains around 6% of our salary. The remainder of the nearly 84% goes towards the unfunded liability of the Kentucky Retirement System. This contribution percentage is a requirement of all state agencies and we do not have the ability to "opt-out".

The KBRC has historically been good stewards of our funds but we still have made changes to our spending. As administrator of the Board, I have taken steps to reduce the cost of operations. We have cut personnel cost by eliminating a part time position. We share office space with another licensing agency to offset the cost of rent and other services. Board members may now attend meetings via video conferencing, hence saving money on travel reimbursement. Even with these cuts, the Board was set to run out of money by October 2020. We continue to look at ways to cut costs and will be implementing procedure changes in the future. Among those will be emailing renewal reminders. By emailing instead of mailing the reminder, we project a cost savings of over \$1,500.00 per year.

In an effort to be completely transparent to our licensees, I encourage you to go to the website <http://transparency.ky.gov>. This information tells you where your licensing dollars are spent. Using "Spending Search", search "Board for Respiratory Care Practitioners" to see this fiscal years spending. To see previous years, click on advanced search and choose the year you wish to see.

Not all fees are increasing at this time. Currently, only renewal fees, reinstatement fees and reactivation fees have changed. The new fee structure is as follows:

Renewal: Active - \$135 every two years, Inactive - \$50 every two years

Reinstatement: \$200

Reactivation: \$135

Please feel free to call me at the office with any questions you might have. 859-246-2747

Tamara McDaniel, RRT





### **Kentucky Board of Respiratory Care Statement on Ethical Behavior and Social Media**

While "actions speak louder than words", words are important too. While spoken words are inherently just as significant as written words, words once spoken vanish into the atmosphere. Written words, however, leave a record and words left on social media are broadcast to a potentially limitless audience and have a potentially limitless life span. Recently the Board has been advised of troubling social media posts by licensed Respiratory Therapists.

With the foregoing in mind, it is important that everyone, including respiratory therapists, be careful as to what they say, and extraordinarily careful as to what they write and post on social media.

Some writings can be the basis of disciplinary action. The most obvious concern to health care practitioners is any violation of HIPAA. Postings about the medical history of patients, their symptoms, treatment and prescriptions are clear violations of patient confidentiality. These matters must never be posted nor discussed except in the course of treatment of the patient.

Some statements, such as threats of physical harm are criminal offenses. Statements to particular people may violate a law, such as violation of a protective order.

While the First Amendment protects unpopular and controversial speech and strong opinions, the expression of hatred of any individual, race, religion, nationality, sexual orientation or occupation is highly unprofessional. As health care professionals, respiratory therapists are required to treat all patients with the same degree of care, competence and compassion. It undermines the public confidence in the entire profession when members of the profession say or post such opinions, whether constitutionally protected or not.

The Kentucky Board of Respiratory Care hereby denounces any oral or written statements that compromise patient confidentiality violate any law or express lack of impartiality to any group based on race, religion, nationality or any other consideration not specific to the individual patient. The board also reaffirms that statements, oral or written, which violate any law or patient confidentiality are subject to disciplinary action.

Dated this 30th day of June 2020



## News from the AARC

### CMS Confirms RTs Can Furnish Telehealth During the Pandemic

**Updated:** July 9, 2020



Since mid-March, the AARC has pushed the Administration to include respiratory therapists as telehealth practitioners during the COVID-19 pandemic. Under their waiver authority, CMS announced that it would extend the types of practitioners who could furnish telehealth to those who could bill Medicare directly for their services. That, of course, left RTs out of the picture since they do not have direct billing authority.

In CMS' latest interim final rule, however, the agency indicated that outpatient therapy services could be furnished by auxiliary personnel employed by the hospital via telecommunications and who did not have a specific benefit category if an individual was registered as an "outpatient" and the hospital designated the individual's home as a provider-based department. AARC sent comments to CMS arguing that respiratory therapists should be allowed to furnish telehealth services under this authority.

We have just learned that CMS updated its list of Frequently Asked Questions regarding its many waivers, and in response to questions we have supplied via its website regarding respiratory therapists, we are excited to announce that CMS has acknowledged RTs can furnish outpatient therapy services via telehealth to outpatients in their homes. Because hospitals need to take certain actions to designate an individual's home as an expanded provider-based department, we strongly recommend RTs check with their RT department or those who submit your hospital's claims as to what telehealth services are covered under this authority. RTs who work in a physician's office or clinic can also furnish telehealth services incident to the services of a physician or nonphysical practitioner who is eligible to bill Medicare.

While not yet official, we have heard that the Administration plans to extend the public health emergency which expires later this month through October.



### *Filing a Complaint*

If you believe the practice or the service provided by a Kentucky licensed respiratory therapist to be unethical, immoral, below an acceptable standard or out of the scope of the profession, you have the right to file a complaint. All facts regarding the complaint should be included.

Please fill out Complaint Form and fax or email to:

Fax: 859-246-2750 Email: [tamara.mcdaniel@ky.gov](mailto:tamara.mcdaniel@ky.gov)

All complaints are registered and investigated. Upon receipt of a complaint, a copy is sent to the licensee for a response. The Board will consider the complaint and response and may choose to dismiss the complaint, investigate it further, or bring its own complaint against the licensee. Disciplinary cases may be resolved informally or after a hearing. The complainant will be informed of the findings of the investigation and the resolution of the complaint.



### **Disciplinary Actions Revocations/Suspensions:**

**Samantha Adkins #4773**  
**Wendall Embry #2424**  
**Amber Pridemore #6174**

**Effective Date : 11/25/2019**  
**Effective Date: 3/09/2020**  
**Effective Date: 6/18/2020**







The KBRC website can help you find answers regarding your licensure, scope of practice, continuing education and verification questions. You may contact us at: (859) 246-2747 Fax: (859) 246-2750 with questions or inquiries.

*The KBRC Newsletter is produced by Rick Rose and Tamara G. McDaniel.*

**The KBRC Board is self-supporting and receives no general fund tax appropriation. It is funded through fees assessed for licensing its professionals.**



If you want to file a complaint or address an issue of concern to the Board, submit a written statement with as much detail as possible including your name, names involved in the complaint or issue, phone numbers and summary of your complaint and mail to the KBRC office at the address below.

Attention: Tamara G. McDaniel, Executive Director.



## **KENTUCKY BOARD OF RESPIRATORY CARE**

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